

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARVIN GRAHAM,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 07-728-GPM
)	
DONALD HULICK and DR. WILLIAMS,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter is before the Court on a motion to dismiss filed by Roger E. Walker, Jr. Walker seeks a ruling that despite being named in the caption of the amended complaint, no claim actually is pending against him.

Walker was named as a defendant in the original complaint. Plaintiff, an inmate in the Menard Correctional Center, moved to amend his complaint in December 2008. In his motion seeking leave, Plaintiff specifically stated that he “affirmly [sic] dismisses Defendant Roger E. Walker” (Doc. 45 at ¶ 5). After leave was granted, Plaintiff filed his amended complaint. Although Plaintiff listed Walker in the caption, it is clear from the pleading that Plaintiff intends to pursue his Eighth Amendment claim against Defendants Hulick and Williams only (*see* Doc. 51).

In light of the foregoing, there is no reason for the Court to await any response to Walker’s motion. The motion to dismiss (Doc. 52) is **GRANTED**. For clarity, the Court names only Defendants Hulick and Williams in the case caption and instructs the parties to do the same.

IT IS SO ORDERED.

DATED: 03/02/09

s/ G. Patrick Murphy

G. PATRICK MURPHY
United States District Judge